

LESSEE OF MALLEY ENJOINED

Are "Charley's Aunt" and "College Chums" Identical.

LAW AND MOTION CASES

APPLICATION FOR A RECEIVER FOR THE PEREGO MINES.

The Receiver of the Driver Mercantile Company Distributes the Fund—Short Orders by Judge Merritt—The Pleasant Coal Company Sued For \$25,000 Damages.

Chief Justice Merritt yesterday sat in the Third district court to hear cases on the law and motion calendar. The suit of William Perogo vs. W. H. Dodge et al., came up on motion for injunction and appointment of a receiver.

The injunction was sought to restrain the defendants from taking over the Perogo mining claim in Woodstock Gulch in the Utah mining district. The plaintiff also asked that he be awarded \$25,000 for the value of ores extracted and damages done to the property.

Attorneys Gerald P. Jackson and F. S. Richards were for the plaintiff, and the defendants were represented by Attorneys W. H. Dickson and Arthur Brown.

The defendants objected to the hearing of the motion at this time and considerable time was spent in argument on the point. The court decided to go on with the hearing, and after listening to the arguments took it under advisement.

The Fund Distributed.

In the case of Joseph Coblenz et al. vs. the Driver Mercantile company, judgment was entered in accordance with the remittitur of the territorial supreme court, and A. H. Parsons, the receiver for the defendants, was ordered to pay out of the funds, about \$45,000, to the attaching creditors, Coblenz and others.

Short Orders.

Rebecca B. Carter vs. the Salt Lake Building & Loan association; demurrer to complaint passed to foot of calendar.

The United States marshal's account for expenses of transporting Harry Hammond to the reform school in the District of Columbia was approved. S. F. Walker vs. S. W. Morrison et al.; cross complaint of defendant Perkins dismissed.

William Roberts vs. Caroline E. Leith et al.; passed to foot of calendar.

C. O. Whittemore vs. Thomas H. Cope et al.; motion to relax costs overruled.

John A. Street vs. Seth W. Morrison et al.; leave granted to amend complaint so that the United States marshal make the sale instead of the sheriff.

Otto Rydman, Samuel Simpson, George S. Bell, Hans Hylander, William Kearns, and John E. Johnson and Lawrence McPolen were admitted to citizenship.

J. H. Murphy, who has been in the law office of Judge Cochran for a considerable time, was yesterday admitted to practice at the bar of the Third district court.

A Bar Consultation.

Chief Justice Merritt held a brief consultation with Assistant District Attorney Howat upon the opening of court yesterday morning, with reference to the trials of criminal cases for the September term. The prosecuting attorneys thought he would be ready to begin work on the criminal calendar on Monday, September 24, but said that his arrival in the city would, in a large measure, depend upon the grand jury.

Judge Merritt remarked that he was anxious to convene the court at the bar, and with a view of having an understanding as to the order of business, his honor said he would like all attorneys interested to be present in court next Saturday morning to talk the matter over with him.

Judgments Entered.

Max Freund & Co. vs. Martha B. Swann; for the plaintiff for \$215, by confession.

Higgins & Tooker company vs. Utah Book and Stationery company; for the plaintiff for \$13,331, by consent.

Levi W. Richards vs. Utah Book and Stationery company; for the plaintiff for \$13,331, by consent.

A DAMAGE SUIT.

Margaret Haycock Sues the P. V. Coal Company For \$25,000.

Margaret Haycock, as administratrix of the estate of Joseph Haycock, deceased, yesterday entered suit in the Third district court against the Pleasant Valley Coal company to recover \$25,000 damages for the death of Joseph Haycock, which he was in the employ of the company.

The plaintiff alleges that Joseph Haycock was working in the company's mine at Castle Gate, and that on February 15 last he was hauling coal along the track which, it is alleged, was out of repair and was badly constructed, by reason of which the car was overturned and Haycock killed. The car was loaded with coal and was being pushed by a team of mules. It is also claimed that the car and its equipment were in an unsafe condition. The deceased was 39 years of age and his parents were dependent on him for support. Wherefore damages are claimed in the sum named.

Colonel Winder Qualifies.

Colonel John R. Winder yesterday filed his bond as receiver of the Church of Jesus Christ of Latter-day Saints in lieu of Henry W. Lawrence. The bond is in the sum of \$100,000 and was approved by the clerk of the supreme court. Before the court are Colonel Winder as principal, George Romney, Lewis S. Hills, James Sharp, Henry Dinwoody, W. W. Riter, James T. Little, John C. Cutler, Elias A. Smith, John R. Barnes, and William took the oath of office and entered upon his duties as receiver.

CHARLEY'S AUNT OR CHUMS.

Injunction Issued Against Lessee O'Malley of the Lyceum.

The threatened proceedings against Lessee O'Malley, of the Lyceum theatre, materialized yesterday in the filing of a suit in the Third district court, by Attorney Barlow Ferguson on behalf of Charles Frohman against O'Malley.

The complaint charges Mr. O'Malley with pirating the play, "Charley's Aunt," written by Brandon Thomas, of London, the American rights to which are owned by Mr. Frohman. It is alleged that the play "College Chums," which has been holding the boards at the Lyceum during the week, is almost identical with "Charley's Aunt," a few changes having been made in it with a view of evading the copyright law. The petitioner therefore prays that a restraining order be issued preventing the representation of the play, that Mr. O'Malley be required to give an accounting of the profits during the time the play has been running, and that he pay \$1,000 damages.

Chief Justice Merritt yesterday issued a temporary restraining order and ordered that the hearing on order to show cause why a permanent injunction be not issued be had on September 15.

The attention of Mr. Frohman was first called to the alleged piracy when the Harrigan company were last week, Allen Morris, one of the men

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